

Planning and Land Use Committee Report

For the Meeting of March 5, 2015

To: Planning and Land Use Committee **Date:** February 19, 2015
From: Charlotte Wain, Senior Planner – Urban Design
Subject: Development Variance Permit No. 00146 for 1486 Dallas Road

RECOMMENDATION

Staff recommend that Committee forward this report to Council, and that after giving notice and allowing an opportunity for public comment, Council consider the following motion:

“That Council authorize the issuance of Development Variance Permit Application No. 00146 for 1486 Dallas Road, in accordance with:

1. Plans date stamped January 21, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. Section 2.13.d – Increase in the maximum combined floor area from 380m² to 393.35m²
 - ii. Section 2.1.4.a – Increase in the maximum number of storeys for a building with a basement from one and a half to two.”

LEGISLATIVE AUTHORITY

In accordance with section 922 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a rezoning regulation bylaw provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 1486 Dallas Road. The proposal is to enclose an existing covered deck to create an addition to the second storey. The variances are related to increasing the combined floor area and increasing the number of storeys.

The following points were considered in assessing this application:

- the rear deck enclosure has already been constructed but without the required permits. As a result, the applicant has complied with the Clean Hands Policy.
- the proposal is consistent with the *Neighbourliness Guidelines For Duplexes*
- the proposed variances to increase the combined floor area from 380 m² to 393.35 m² and to increase the number of storeys from one and a half to two storeys are considered appropriate as they are in keeping with the adjoining unit and will have minimal impacts on the surrounding neighbourhood.

BACKGROUND

Description of Proposal

The proposal is to legalize the enclosure of a covered deck which has created an addition to the second storey. Specific details include:

- the enclosure of the rear covered deck has created an additional bedroom and bathroom of approximately 26m² in floor area
- exterior changes include the addition of windows on the upper floor of the rear elevation. There are no changes to the front elevation.

The proposed variances are related to:

- increasing the combined floor area from 380m² to 393.35m²
- increasing the number of storeys from one and a half to two.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal, although the proposal seeks to maintain and renovate an existing home.

Existing Site Development and Development Potential

The existing site has an area of 556.81m² and is currently occupied by a duplex. The subject property currently complies with the regulations in the R-2 Zone (Two Family Dwelling District) with the exception of combined floor area and number of storeys, which have both been exceeded with the creation of additional habitable space.

Data Table

The following data table compares the proposal with the regulations from the R-2 Zone (Two Family Dwelling District), as referred to in the existing RJ Zone (Low Density Attached Dwelling District). An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard R-2
Site area (m ²) - minimum	556.81	555.00
Density (Floor Space Ratio) - maximum	0.50	0.50
1 st and 2 nd storey floor area (m ²) - maximum	272.11	280.00
Combined floor area (m ²) - maximum	393.35*	380.00
Height (m) - maximum	7.54	7.60
Storeys - maximum	2*	1.5 (with basement)
Site coverage % - maximum	35.10	40.00
Setbacks (m) - minimum		
Front (Dallas Road)	7.62	7.50
Rear	12.80	12.80
Side (east)	3.05	3.00
Side (west)	1.50	1.50
Parking - minimum	2	2

Relevant History

Improvements were made to the building without the necessary permits. This includes the conversion of the rear covered deck to create a third bedroom and additional bathroom. This construction triggered the need for the City's *Clean Hands Policy* to be applied. The applicant had previously applied to the Board of Variance for consideration of the variances related to combined floor area and number of storeys. On November 13, 2014 the Board of Variance denied the application, stating that a reasonable case for undue hardship had not been presented and the issue would be better dealt with by Council.

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on January 26, 2015 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Regulatory Considerations

The intent of the regulation related to maximum floor area within a duplex is to maintain an appropriate relationship between the proposed building and the lot, to ensure the building does not dominate the parcel. Similarly, the number of storeys is limited to one and a half when a building contains a basement. In this case the enclosure of the rear covered deck has not increased the massing of the building and an appropriate relationship between building and lot size has been maintained.

Design Guidelines

The proposal meets the *Neighbourliness Guidelines For Duplexes*, which promote high quality site planning and building appearance as well as ensuring a new building or addition does not overwhelm its existing neighbours. The enclosure of the rear deck is in keeping with the character of the adjoining duplex unit in terms of materials and window placement. The adjoining unit also has upper floor windows along the rear elevation, although this is not considered enclosed floor area as there is a small gap between the exterior walls and flooring. As the 12.8m rear setback meets the requirements of the R-2 Zone, and the additional floor area is not affecting the setback, the privacy impacts on the four-storey multi-unit development to the rear are considered to be minimal.

CONCLUSIONS

The proposal to legalize the enclosure of a former covered deck is in keeping with the relevant design guidelines and would not result in any negative impacts to adjoining neighbours.

ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00146 for the property located at 1486 Dallas Road.

Respectfully submitted,



Charlotte Wain
Senior Planner – Urban Design
Development Services Division



Alison Meyer, Assistant Director
Development Services Division
Sustainable Planning and Community Development

Report accepted and recommended by the City Manager:



Jason Johnson

Date:

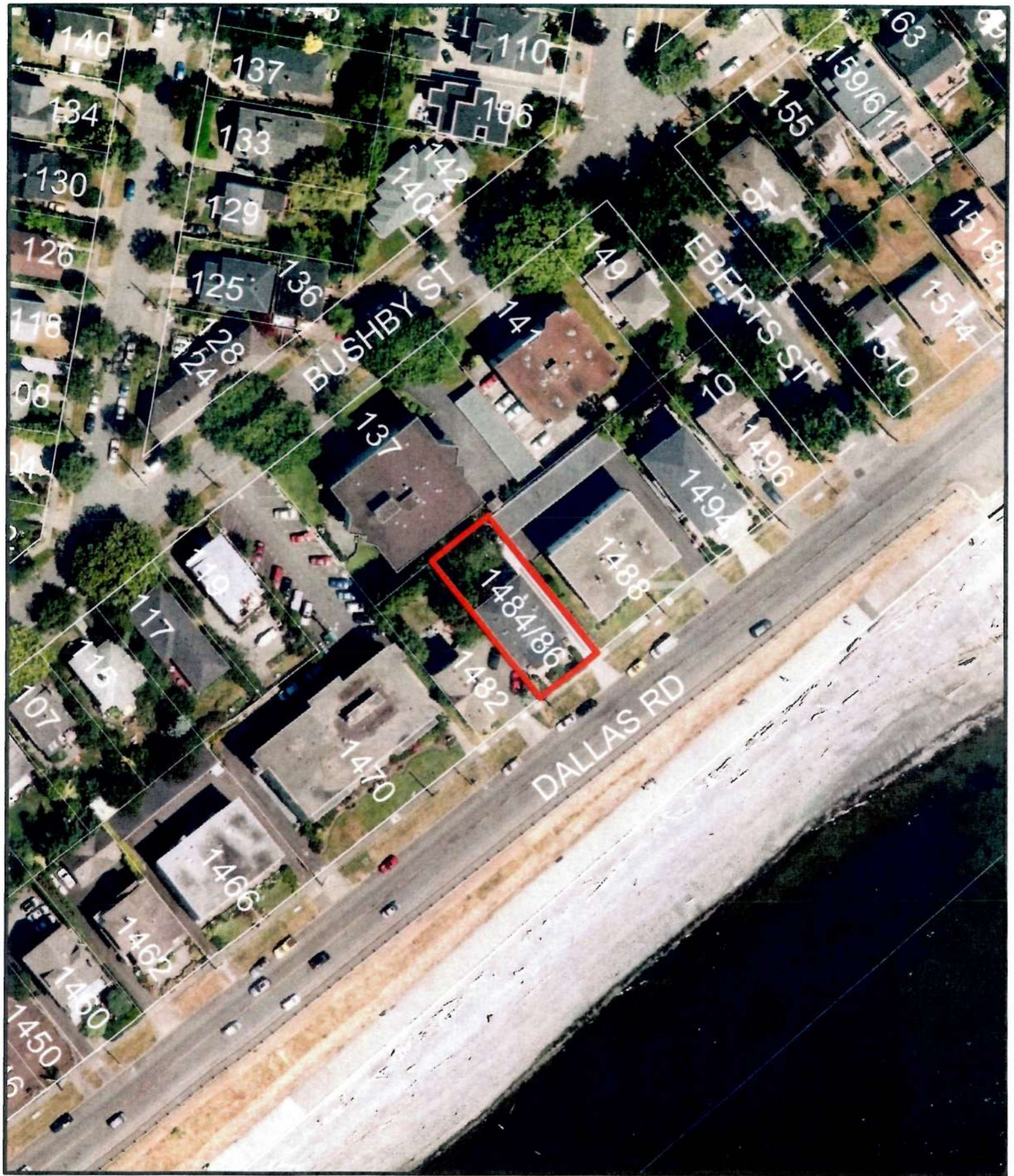
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List of Attachments

- Aerial photo
- Zoning map
- Submission drawings dated January 21, 2015
- Letter from applicant dated January 15, 2015.



1486 Dallas Road
Development Variance Permit #000146



